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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JONES III, CLYDE H

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/067,238	Applicant(s) YAMAUCHI, ATSUSHI	
	Examiner Clyde H. Jones III	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4, 7, 8, 10, 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinobu (US 5,699,104).

Regarding claims 1, 4, 10 Yoshinobu teaches a view restriction method (and corresponding apparatus and means) for imposing view restriction on a program that is scheduled to be broadcasted or being broadcasted, comprising the steps of:

associating receiver identification (ID – fig. 10; col. 10, lines 36-40) information for identifying a receiver of a viewer with a restricted program (vulgar program, i.e., parental controlled program – col. 7, lines 5-8; col. 15, lines 19-23, or non-subscribed program - col. 14, lines 21-30, etc.) when the restricted program is designated by the viewer (col. 7, lines 5-7, 10-11; col. 6, lines 60-67; col. 15, lines 19-21; col. 9, lines 36-37; col. 8, lines 19-25; col. 6, lines 7-11; col. 6, lines 41-43);

broadcasting view restriction information including the receiver identification information associated with the restricted program together with the restricted program in a broadcasting time range of the restricted program (col. 5, lines 48-52; col. 6, lines 60-62; col. 5, lines 6-11; col. 13, lines 10-11);

acquiring, at the receiver, the view restriction information broadcasted together with the restricted program (col. 12, lines 49-53; col. 11, lines 15-19, 29-33, 40-42; col. 5, lines 48-52) and

restricting, at the receiver, display of the restricted program if the receiver identification information included in the view restriction information matches (corresponds to) that set at the receiver (col. 6, lines 21-26; col. 9, lines 38-41; col. 11, lines 29-32; col. 13, lines 8-10; col. 13, lines 56-58).

Regarding claim 7, 13, 16, 17 Yoshinobu teaches a view restriction setting method (and corresponding apparatus, means, computer medium and instructions) for setting view restriction comprising the steps of:

associating receiver identification (ID – fig. 10; col. 10, lines 36-40) information for identifying a receiver of a viewer with a restricted program (vulgar program, i.e., parental controlled program – col. 7, lines 5-8; col. 15, lines 19-23, or non-subscribed program - col. 14, lines 21-30, etc.) when the restricted program is designated by the viewer (col. 7, lines 5-7, 10-11; col. 6, lines 60-67; col. 15, lines 19-21; col. 9, lines 36-37; col. 8, lines 19-25; col. 6, lines 7-11; col. 6, lines 41-43); and

transmitting (providing) the receiver identification information (col. 10, lines 28-35) and information about the restricted program to a broadcasting service provider that broadcasts the restricted program (information about the restricted program is inherently transmitted to the broadcaster in order for the user to receive information indicating the

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contents/program, e.g. program title, being restricted via the screen saver information as disclosed by Yoshinobu; col. 15, lines 33-35).

Regarding claim 8, Yoshinobu teaches transmitting (providing), to the broadcasting service provider, an individual message (specific viewer request for access to non-subscribed programs) that is voluntarily specified by the viewer so as to be associated with the information about the restricted program (Yoshinobu inherently teaches providing a viewer specific subscription request or remittance indicating broadcast programming the viewer would like full access to, e.g., a pay program is restricted until the non-subscribing viewer subscribes, i.e., sends information associated with the program, indicating the viewer's acceptance to receive the program as disclosed; col. 11, lines 57-62; col. 12, lines 1-5; col. 16, lines 4-5; col. 10, lines 31-35; col. 6, lines 60-62).

Regarding claim 14, it is rejected similar and in respect to claims 7 and 8 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (US 5,699,104) in view of Seth-Smith at al. (US 4,890,321).

Regarding claims 2, 5 and 11, Yoshinobu teaches an individual message (screen savers correspond to individual receiver IDs and inform users of program viewability; col. 6, lines 58-59; col. 9, lines 33-35) that is voluntarily specified by the viewer (col. 6, line 60 – col. 7, line 12; The user specifies what kind of screen saver/message is to be selected by the receiver col. 8, lines 25-57); and

the view restriction method comprises a step of displaying the individual message instead of a screen of the restricted program at the time of restriction of displaying the restricted program (col. 15, lines 16-23, lines 29-39; col. 9, lines 36-41).

Yoshinobu teaches the broadcast signal includes the view restriction information including the receiver ID and the screen savers can be set and updated by the broadcast signal (col. 12, lines 1-5), however fails to disclose the view restriction information includes the individual message.

In an analogous art Seth-Smith teaches it is desirable to include individual messages in view restriction information for broadcasting personalized messages to subscribers for display (col. 6, lines 28-35, lines 55-58; col. 16, lines 5-10; col. 17, lines 61-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Yoshinobu to include the view restriction information includes the individual message as taught by Seth-Smith for the

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added advantage of conserving memory resources at the receiver (Seth-smith – col. 17, lines 53-56) and for providing enhanced user functionality by enabling emergency/warning messages, announcing service changes, and providing personal messages (Seth-smith – col. 18, lines 20-22; col. 6, lines 38-42).

5. Claims 3, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (US 5,699,104) in view of Seth-Smith et al. (US 4,890,321) as applied to claims 2 and 5 above, and further in view of Goode et al. (US 6,163,272).

Regarding claims 3, 6 and 12, Yoshinobu in view of Seth-Smith teach displaying, at the receiver, a password enter screen (col. 6, lines 63-67) to lock a restricted program (e.g., a program that is too vulgar) ((col. 7, lines 5-11; col. 15, lines 19-21); and displaying, at the receiver, the individual message included in the view restriction information instead of the screen of the restricted program when a predetermined password is entered (displays the individual message instead of the restricted program when a password is set/entered, e.g., when a parent sets a password for parental control/restriction of violent programming; col. 15, lines 19-23; col. 9, lines 35-42; col. 7, lines 6-12).

However Yoshinobu in view of Seth-Smith fail to disclose broadcasting a rating value based on a content of the restricted program in association with the restricted program and the rating value equal to or greater than a predetermined rating value.

In an analogous art Goode et al. teaches it is desirable to broadcast a rating value (MPAA rating value are transmitted to the subscriber 108 –fig.1 via the cable network 106; col. 3, line 61, 66-67) based on a content of the restricted program in association with the restricted program (col. 5, lines 26-35) and the rating value equal to or greater than a predetermined rating value (access level, col. 8 lines 50-56) for restricting program access based on user terminal identifications (col. 7, lines 63-col. 8, line 16; col. 8, lines 24-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Yoshinobu in view of Seth-Smith to include broadcasting a rating value based on a content of the restricted program in association with the restricted program and the rating value equal to or greater than a predetermined rating value as taught by Goode for the advantage of providing a more flexible and automatable user access management system based on well known ratings (MPAA) in order to restrict inappropriate programming to certain household members without proper authorization (Goode – col. 8, lines 61-67; Yoshinobu col. 6, lines 63-67; col. 7, lines 6-10).

6. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (US 5,699,104) in view of Barth (US 6,334,216 B1).

Regarding claims 9 and 15, Yoshinobu teaches authenticating the receiver by receiving a designation of the restricted program (Yoshinobu teaches the pay broadcast

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station authorizes subscriber's receivers to receive a restricted programming by receiving a request or remittance indicating the program the viewer would like full access to, e.g., a pay program is restricted until the non-subscribing viewer subscribes, i.e., sends information associated with the program, indicating the viewer's acceptance to receive the program as disclosed; col. 11, lines 57-62; col. 12, lines 1-5; col. 16, lines 4-5; col. 10, lines 31-35; col. 6, lines 60-62) and determining whether the receiver identification information has been registered with a client register about clients who have made contact (communicated) with the broadcasting service provider (Yoshinobu inherently discloses a client register in order to verify/evaluate the circumstances of use of broadcasting for each subscriber and identifying subscribers and non-subscribers as disclosed; par. 10, lines 30-35; col. 5, lines 49-52; col. 10, lines 28-35; col. 11, lines 10-12; col. 15, lines 24-26);

Yoshinobu teaches sending the receiver identification information and the information about the restricted program to the broadcasting service provider as discussed above in independent claim 7.

However, Yoshinobu fails to disclose from the receiver and only when the receiver is duly authenticated.

In an analogous art, Barth teaches it is desirable to receive information from the receiver 2 – fig. 1 (col. 4, lines 24-28) and only when the receiver is duly authenticated (col. 4, lines 35-44) for increasing access security to a central station (col. 4, lines 51-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Yoshinobu to include from the receiver and only when the receiver is duly authenticated as taught by Barth for the added advantage of making it easier for users to subscribe to desired services thus increasing the station's revenue and for the advantage of increasing the security of the system preventing pirating of services from the station and enhancing authorized customer protection (Barth – col. 4, lines 41-45, 51-52).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ



HAITRAN
PRIMARY EXAMINER